

3736



Attorney Docket: 65937-0002  
Serial No.: 09/707,022

PATENTS

#10  
10-9-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

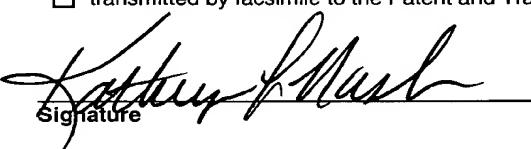
In re application of: Miller et al.                      Group Art Unit: 3736  
Serial No.:                      09/707,022                      Examiner:                      Marmor, C.A.  
Filed:                      11/6/2000                      Paper No.:                      10  
For:                      BIOPSY APPARATUS  
Attorney Docket No.: 65937-0002

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Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on the date shown below, being:	
<input checked="" type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Washington, DC 20231	<input type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office.
Date: <u>September 27, 2002</u>	<div style="text-align: center;"> Signature <u>Kathryn L. Nash</u></div>

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**  
**PURSUANT TO 35 U.S.C. 121**

Dear Sir:

This response addresses the Election/Restriction requirement dated 09/10/2002, with respect to the above-identified patent application.

1. Restriction under 35 U.S.C. 121

The Examiner indicated that the patent application contains the following distinct inventions:

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- I. Claims 1-69, drawn to tissue cutting devices having a pair of hydraulic motors for rotating and a reciprocating an inner cannula relative to an outer cannula, classified in class 600, subclass 568.
- II. Claims 70-78, drawn to a tissue cutting device having a drive mechanism that is substantially composed of non-metallic material, classified in class 600, subclass 562.
- III. Claims 79-84, drawn to methods of removing tissue from a patient, classified in class 600, subclass 562.

Group I is provisionally elected without traverse. Applicants expressly reserve the right to file one or more divisional applications having claims drawn to the non-elected inventions.

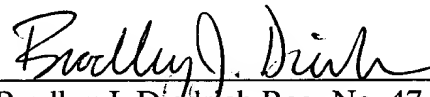
If the Examiner has any questions with respect to this communication, he is kindly urged to call the undersigned.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Respectfully submitted,

Date: September 27, 2002

By:



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